

**REMARKS**

**I. STATUS OF THE CLAIMS**

New claim 29 is added herein. Support for the claim is found, for example, on page 40, line 21 through page 42, line 18, of the application.

In view of the above, it is respectfully submitted that claims 4, 14 and 24-29 are currently pending for consideration.

**II. REJECTION OF CLAIM 24 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claim 24 is amended herein to recite "the program executing a process". In view of the foregoing, it is respectfully submitted that the rejection is overcome.

**III. REJECTION OF CLAIMS 4, 14 AND 24-28 UNDER 35 U.S.C. § 102(b) AS BEING ANTICIPATED BY DENICOLA (U.S. PATENT NO. 5,666,538)**

Amended claim 4 recites that the number file accesses for the files in the first common storage device is recorded as an entry in a log file, and a file is moved from the first common storage device to the second common storage device if the respective log entry for the file is at least the predetermined number of times. Claims 14, 24, 26 and 27 recite somewhat similar features. In the Examiner Interview of August 1, 2007, the Examiner agreed that "using log files containing access information about individual files to determine the files to be moved from a first common device to a second common device would overcome the teachings of DeNicola." See the Interview Summary. Accordingly, it is respectfully submitted that the above features of amended claim 4 patentably distinguish over Denicola.

Amended claim 4 further recites moving files contained in the first common storage device to a second common storage device based on the detected accessed state of the first common storage device, to gather together files accessed a predetermined number of times onto the second common storage device. Claims 14, 24, 26 and 27 recite somewhat similar features. The Applicant respectfully submits that DeNicola also fails to disclose the above features of claim 4.

The Office Action states that column 8, lines 29-40 of DeNicola teach "that the rearrangement of the files comprises gathering together files accessed a predetermined number of times, by determining the number of accesses to a drive." See page 3, of the Office Action. However, this is not the case. DeNicola discusses storing the number of *disk accesses* based on a *polling interval*. See page 8, lines 29-35, of DeNicola. A polling interval is a period of time

– for example, five minutes. See column 8, lines 35-38, of DeNicola. On the other hand, claim 1 recites gathering together *files accessed a predetermined number of times* onto the second common storage device. DeNicola is silent as to tracking file accesses. Thus, DeNicola fails to anticipate claim 4 under 35 U.S.C. § 102(b).

Although the above comments are specifically directed to claim 4, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited art.

In view of the above, it is respectfully submitted that the rejection is overcome.

#### **IV. NEW CLAIM**

New claim 29 is added herein. Claim 29 recites a method comprising:

- generating access information based on an accessed state of files on a first storage device;
- detecting a frequency with which the files on the first storage device have been accessed based on the generated access information;
- moving files based on the detected frequency to a second storage device such that frequently accessed files are gathered together on the second storage device; and
- performing power-saving control on the first storage device as a result of said moving of files, thereby reducing power consumption by the first storage device.

DeNicola does not disclose generating accessed information based on an accessed state of files on a first storage device, detecting a frequency with which the files have been accessed, or moving files from the first storage device to a second storage device based on the detected frequency. Thus, claim 29 also distinguishes over the cited art.

#### **V. CONCLUSION**

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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